

# Staff Summary Report



Hearing Officer Hearing Date: 8/16/11

Agenda Item Number: 2

**SUBJECT:** This is a public hearing for a request by the City of Tempe – Code Compliance Section to abate public nuisance items at the Alpha Sigma Housing Corporation Property located at 717 East Alpha Drive.

**DOCUMENT NAME:** 20110816cdsl01 **PLANNED DEVELOPMENT (0406)**

**COMMENTS:** Request by the City of Tempe – Code Compliance Section to abate public nuisance items in violation of the Tempe City Code for the **ALPHA SIGMA HOUSING CORPORATION PROPERTY (PL110266 /ABT11031 /CE111791)** (Michael Spencer, Inspector; Alpha Sigma Housing Corporation Inc., property owner) located at 717 East Alpha Drive in the GID, General Industrial District.

**PREPARED BY:** Sherri Lesser, Senior Planner (480-350-8486)

**REVIEWED BY:** Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

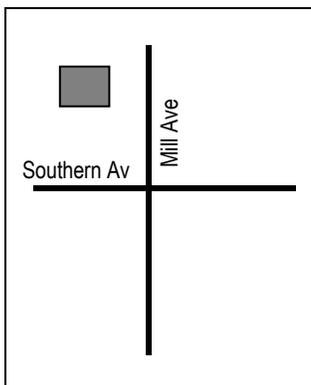
**LEGAL REVIEW BY:** N/A

**DEPARTMENT REVIEW BY:** Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

**FISCAL NOTE:** \$424.00 for abatement request, including removal of weeds and debris.

**RECOMMENDATION:** **Staff – Approval of Abatement Proceedings**

**ADDITIONAL INFO:**



Code Compliance is requesting approval to abate the Alpha Sigma Housing Corporation Property located at 717 East Alpha Drive in the GID, General Industrial District. The details of this case represent several months of correspondence for compliance with the property owner. Staff requests the approval of abatement of the following nuisance items under Complaint CE111791: removal of weeds and debris.

Due to the history of recidivism of the property owner and several months of attempts to have the site remediated by the property owner, staff is requesting a 180 day open abatement to prevent repeated property neglect and neighborhood decline.

**PAGES:**

1. List of Attachments
2. Comments; History & Facts/Description

**ATTACHMENTS:**

1. Location Map
2. Aerial Photo
- 3-11. Code Compliance Report & Photographs

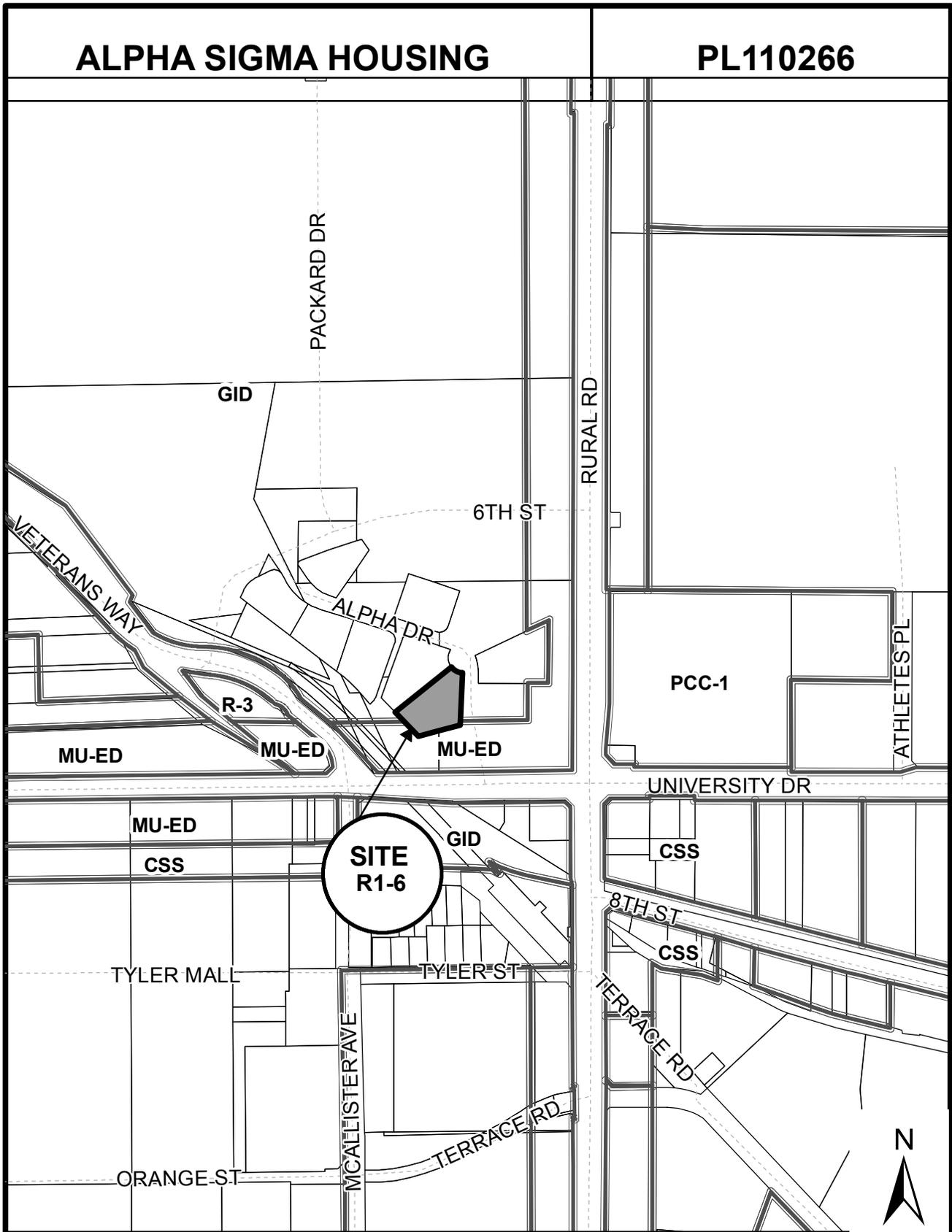
**COMMENTS:**

Code Compliance is requesting approval to abate the Alpha Sigma Housing Corporation Property located at 717 East Alpha Drive in the GID, General Industrial District. This case was initiated 5/20/11 following which Code Compliance has attempted to obtain compliance through correspondence with the property owners regarding violations of the Tempe City Code for deteriorated landscape.

Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve the abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code. Due to the history of recidivism of the property owner and several months of attempts to have the site remediated by the property owner, staff is requesting a 180 day open abatement to prevent repeated property neglect and neighborhood decline

**HISTORY & FACTS:**

The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.



**Location Map**



**ALPHA SIGMA HOUSING CORP. PROPERTY (PL110266)**

**DATE:** 07/08/2011

**SUBJECT:** Alpha Sigma Housing Corporation Property Abatement

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**LOCATION:** 717 E Alpha DR

**LEGAL:** Book 132, Map 25, Parcel 022B, as recorded with the Maricopa County Assessor

**OWNER:** Alpha Sigma Housing Corporation Inc.  
8815 Wesleyan RD  
Indianapolis, IN 46268

**FINDINGS:**

05/20/2011 Property was inspected and found to have over height grass and weeds in the gravel landscaping and a large pile of debris on the west side of the property. (doors, mattresses, clothing, wood, tires, and other miscellaneous items) First notice was sent to the owners.

06/13/2011 Grass and weeds have been cut from the gravel landscaping. No change in the condition of the pile of debris. Second notice was sent to the owners.

06/30/2011 No change with the pile of debris on the west side of the property.

07/05/2011 Received a bid of \$424.00 dollars to clean the debris from the property.

**RECOMMENDATIONS:**

Two notices have been sent to Alpha Sigma Housing Corporation Inc. to clean the debris from the property with no response. The pile of debris is an eyesore and could cause sanitary issues. I therefore request the City of Tempe, Community Development Abatement Hearing Officer for authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code.

Respectfully submitted,

Michael Spencer  
Senior Code Inspector  
City of Tempe

ACTION TAKEN:

NAME

DATE:

Submittal  
[Signature]  
7.8.11



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

05-20-2011

ALPHA SIGMA HOUSING CORPORATION INC
ATTN: DIRECTOR OF HOUSING, ROB DERDIGER
8815 WESLEYAN RD
INDIANAPOLIS, IN 46268

Case#: CE111791
Site Address: 717 E ALPHA DR

SITE REINSPECTION ON OR AFTER: 06/10/2011

This is a notice to inform you that this site was inspected on 05/20/2011 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

Table with 2 columns: SECTION and VIOLATION. Row 1: CC 21-3.b.1, Filthy, littered, debris or trash-covered exterior areas. Row 2: CC 21-3.b.8, Landscaping that is substantially dead damaged or characterized by uncontrolled growth.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

Table with 2 columns: SECTION and VIOLATION. Row 1: CC 21-3.b.1, Please remove large pile of trash, litter, and debris from property. (doors, mattresses, clothing, tires, wood, and other miscellaneous items). Row 2: CC 21-3.b.8, Please remove grass and weeds from the gravel landscaping of the property. Gravel landscaping must be maintained free of grass and weeds.

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Michael Spencer
Senior Code Inspector

Direct: 480-350-8075
Code Compliance: (480)350-8372
Email: michael\_spencer@tempe.gov

Civil and Criminal Penalties

City Code Section 21-3, subsections (b) 1-8, 15 and 17-19; Section 21-4; Sections 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 per violation, 2nd occurrence \$270 per violation, 3rd occurrence \$370 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-36: 1st occurrence \$270 per violation, 2nd occurrence \$470 per violation, 3rd occurrence \$670 per violation | Section 21-3, subsections (b) 9-14, 16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$370 per violation, 2nd occurrence \$670 per violation, 3rd occurrence \$970 per violation. | Section 21-25: \$1020 per violation plus an additional \$100 for each month after the date of the original violation until compliance occurs. | Section 21-4 (B) Habitual Offender: 1st occurrence \$520 in addition to other fines, 2nd occurrence \$1020 in addition to other fines, 3rd occurrence, \$1520 in addition to other fines. | Zoning and Development Code: 1st occurrence \$140 per violation, 2nd occurrence \$390 per violation, 3rd occurrence \$790 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.



**COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE**

05-20-2011

ALPHA EPSILON PI FRATERNITY  
17 TAMMY ST  
SALEM, NH 03079

Case#: CE111791  
Site Address: 717 E ALPHA DR

**SITE REINSPECTION ON OR AFTER: 06/10/2011**

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<u>SECTION</u>	<u>VIOLATION</u>
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas
CC 21-3.b.8	Landscaping that is substantially dead damaged or characterized by uncontrolled growth

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION**

CC 21-3.b.1	Please remove large pile of trash, litter, and debris from property. (doors, mattresses, clothing, tires, wood, and other miscellaneous items)
CC 21-3.b.8	Please remove grass and weeds from the gravel landscaping of the property. Gravel landscaping must be maintained free of grass and weeds.

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

**Michael Spencer**  
Senior Code Inspector

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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
FINAL CORRECTION NOTICE

06-13-2011

ALPHA SIGMA HOUSING CORPORATION INC
ATTN: DIRECTOR OF HOUSING, ROB DERDIGER
8815 WESLEYAN RD
INDIANAPOLIS, IN 46268

Case#: CE111791
Site Address: 717 E ALPHA DR

SITE REINSPECTION ON OR AFTER: 06/30/2011

This is a notice to inform you that this site was inspected on 06/13/2011 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

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IF NOT IN COMPLIANCE BY 06/30/2011 AN ABATEMENT PROCESS WILL BE CONDUCTED ON THE PROPERTY. THIS COULD RESULT IN A LIEN BEING PLACED ON THE PROPERTY FOR COST OF CLEANUP.

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

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**COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
FINAL CORRECTION NOTICE**

06-13-2011

ALPHA EPSILON PI FRATERNITY  
17 TAMMY ST  
SALEM, NH 03079

Case#: CE111791  
Site Address: 717 E ALPHA DR

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<u>SECTION</u>	<u>VIOLATION</u>
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas

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City of Tempe  
P. O. Box 5002  
Tempe, AZ 85280  
www.tempe.gov  
(480) 350-8372  
(480) 858-2231 (fax)

Code Compliance Division

## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 07/08/2011

TO: ALPHA SIGMA HOUSING CORPORATION INC  
ATTN: DIRECTOR OF HOUSING, ROB DERDIGER  
8815 WESLEYAN RD  
INDIANAPOLIS, IN 46268

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

**LEGAL:** Book 132, Map 25, Parcel 022B, as recorded with the Maricopa County Assessor.

**LOCATION:** 717 E ALPHA DR, TEMPE AZ 85281

**This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of 08/16/2011. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:**

**CC 21-3.b.1** Filthy, littered, debris or trash-covered exterior areas

**As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violation. If the violations have not been corrected within thirty days, our office will proceed with the abatement process. Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be \$424.00. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate for judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City.**

**If you have questions regarding this matter, please contact our office at (480) 350-8372.**

Code Enforcement Officer: Michael Spencer

Phone Number 480-350-8075

JACK HARRINGTON  
3831 W AVALON  
PHOENIX, AZ. 85019  
TEL: (602) 446-2630  
FAX: (602) 347-5487  
EMAIL: JACKHBOARDUPS@YAHOO.COM

THE FOLLOWING DOCUMENT IS FOR:

NAME: MICHEAEL SPENCER  
FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS  0  PAGE(S)

DATE: 7-5-11

**PROPOSAL**

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE  
UNDER CONTRACT # TO8-092-02

ADDRESS: 717 E ALTHA TEMPE, AZ.

REMOVAL OF PLYE OF DEBUIS FROM REAR OF 717 E ALTHA TEMPE 12 MH @ 22.00 PER	\$264.00
4- LOADS @ \$40/LOAD	160.00
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TOTAL COST FOR JOB	\$ 424.00

THANK YOU

ACCEPTANCE

JACK HARRINGTON

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